

REMARKS

Applicants are resubmitting the Amendment as filed on February 20, 2007, in response to the Notice of Non-Compliant Amendment dated May 18, 2007, wherein the status identifier of Claims 23-26 have been amended to comply with the Notice of Non-Compliant Amendment.

Applicants respond hereby to the outstanding Office Action mailed November 20, 2006, in the above-identified application. Claims 1, 20, 21 and 22 are amended hereby, claims 23-26 are added; Claims 1-26 remain pending hereinafter, where claims 1, 20, 21 and 22 are the independent claims.

In the November 20, 2006, Office Action, the Examiner rejected claims 1-10, 12, 14-16, 18 and 20-22 under 35 USC 102(b) in view of pending, published US Patent Application No. 2003/0074222 to Rosow, et al. (Rosow). The Examiner also rejected claim 8 under 35 USC 103(a) by Rosow in view of US Patent No. 6,283,761 to Joao, rejected claim 11 under 103(a) by Rosow (as applied to claim 9) in view of US Patent no. 5,018,067 to Mohlenbrook, et al. (Mohlenbrook), rejected claims 13 and 19 under 103 (a) by Rosow (as applied to claim 9) in view of US Patent 5,860,917 to Comanor, et al. (Comanor) and rejected claim 17 under 103 (a) by Rosow (as applied to claim 15) in view of US Patent No. 6,014,629 to DeBruin-Ashton.

Applicants have carefully considered the Examiner's comments concerning the above rejections at paragraphs 2-9 of the outstanding Office Action, the art cited to support the various Section 102(b) and 103(a) rejections, and applicants' invention as claimed. In response, applicants have amended each of the independent claims to recite that the medical practice information includes attribute information about the plurality of medical institutions, and submit the below remarks in an effort to convince the Examiner that claims 1-22 (and newly presented claims 23-26) are allowable over the art cited. That is, applicants' invention as set forth in claims 1-26 is not anticipated by Rosow, nor obvious in view of the cited 103(a) art combinations with Rosow. Applicants accordingly request reconsideration and withdrawal of the rejection of claims 1-22, and allowance of claims 1-26.

Rejections Under 35 USC 102(b)

With respect to the rejection of independent claim 1, the Examiner asserts that Rosow discloses a medical information storage and searching system (Rosow: [0009]), and that the system includes a medical practice information storage unit for receiving medical practice information of a plurality of medical institutions from the plurality of medical institutions through a communication line (Rosow: Fig. 1; [0067]). Rosow is asserted to further include a searching criteria receiving unit for receiving, through the communication line, searching criteria in accordance with which the medical practice information stored in the medical practice information storage unit is searched for (Rosow: [0087]) and an information delivery unit for searching for the medical practice information in the medical practice information storage unit in accordance with the searching criteria received by the searching criteria receiving unit, and for delivering the searched medical practice information through the communication line (Rosow: [0080]). Independent claims 20-22 are rejected under 102(b) by Rosow for substantially the same reasons provided for the rejection of claims 1 and 2.

With all due respect, applicants disagree that the cited portions of Rosow's Specification disclose or teach the elements of claims 1, 20, 21 and 22, and that those claims are anticipated by Rosow. Claim 1, like each of applicants' independent claims, sets forth a medical practice information storage and searching system that includes a medical practice information storage unit for receiving attribute information in addition to medical practice information of a plurality of medical institutions through a communication line. The system further includes a searching criteria receiving unit for receiving, through the communication line, searching criteria in accordance with which the attribute and medical practice information stored in the medical practice information storage unit is searched for and an information delivery unit for searching for the medical practice information in the medical practice information storage unit in accordance with the searching criteria received by the searching criteria receiving unit, and for delivering the searched attribute medical practice information through the communication line.

More particularly, Rosow at par. [0009] does not disclose a medical practice information storage and searching system as asserted by the Examiner, but a bed management system that interfaces with and complements existing health care facilities admission systems such as Admission/Discharge/Transfer (ADT) systems. The Rosow bed management system

is an easy to use intelligent application that is designed to allow administrators, clinicians and managers to easily access, analyze and display real-time patient and bed availability and related information from ancillary information systems, databases and spreadsheets.

Nor does Rosow at par. [0067] disclose a medical practice information storage unit for receiving attribute information and medical practice information of a plurality of medical institutions through a communication line. At par. [0067], Rosow states that its system 10 provides monitoring and reporting capabilities for monitoring the occurrence of certain symptoms or diseases or other parameters that may be relevant in an emergency situation. Rosow state that their system 10 is configurable for monitoring, reporting, comparing, etc., any parameter or function of data stored in a database 20. Said cited Rosow "monitoring and reporting capabilities" are not equivalent to applicants' claimed medical practice information storage unit for receiving attribution and medical practice information of a plurality of medical institutions from the plurality of medical institutions through a communication line, a requirement of each of applicants' independent claims.

Nor does Rosow at par. [0087] disclose a searching criteria receiving unit for receiving, through the communication line, searching criteria in accordance with which the attribute and medical practice information stored in the medical practice information storage unit is searched for. At Rosow's par. [0087], Rosow discloses a step by which a user enters various criteria to identify a patient. By clicking an "update list" button, the Rosow user request is transmitted to a server and the system 10 performs a database search and returns a list of all patients meeting the specified criteria. This is not equivalent, nor does it in any way function as a searching criteria receiving unit for receiving, through the communication line, searching criteria in accordance with which the medical practice attribute and fact information stored in the medical practice information storage unit is searched for.

Rosow at par. [0080] does not disclose an information delivery unit for searching for the attribute and medical practice information in the medical practice information storage unit in accordance with the searching criteria received by the searching criteria receiving unit, and for delivering the searched medical practice information through the communication line. At par. [0080] Rosow discusses a bed management system 10 with respect to Fig. 11. The system 10 is described as including a packet router 90 to process all communications between clients, but nowhere discloses, teaches or suggests an information delivery unit for searching

for the attribute and medical practice information in a medical practice information storage unit based on searching criteria received by the searching criteria receiving unit, and for delivering the searched medical practice information through the communication line.

For at least the reasons set forth, applicants' independent claims 1, 20, 21 and 22, are not anticipated by Rosow under 35 USC 102(b). Because claims 2-19 and newly presented 23 depend from claim 1, claims 2-19 and 23 are also patentable under Section 102(b) in view of Rosow for at least the reasons set forth. Newly presented claim 24 depends from claim 20, and is patentable therewith; newly presented claims 25 and 26 are dependent from claims 21 and 22, respectively, and patentable therewith. Hence, and applicants respectfully request withdrawal of the rejection of claims 1-22 under Section 102(b), and allowance of claims 1-22 and newly presented claims 23-26 in view of Rosow.

Rejections Under 35 USC 103(a)

While claim 8 was rejected under 35 USC 103(a) by Rosow in view of Joao, claim 11 rejected under 103(a) by Rosow in view of Mohlenbrook, claims 13 and 19 under 103 (a) by Rosow in view of Comanor and claim 17 under 103 (a) by Rosow in view of DeBruin-Ashton, applicants respectfully disagree. That is, Rosow does not disclose all of the elements of applicants' independent claims as stated above with respect to 102(b), and combining Rosow with Joao, or with Mohlenbrook, or with Comanor, or with DeBruin-Ashton, therefore, cannot remedy the Rosow shortcomings to render dependent claims 8, 11, 13 and 19, and 17 obvious under the law. That is, because Rosow does not disclose the elements of applicants' independent claims, further combining Rosow with additional art can not realize a combination that includes each of the inventive features as claimed.

Accordingly, applicants assert that claims 8, 11, 13, 17 and 19 are not obvious under 103(a) in view of Rosow alone, or in combination with Joao, Mohlenbrook, Comanor, or DeBruin-Ashton, and respectfully request withdrawal of the rejection to those claims under 103(a). Applicants further assert that newly presented claims 23-26 are patentable for at least the reasons set forth above with respect to Rosow, and for the patentability of claims 8, 11, 13, 17 and 19.

Conclusion

It follows that each of pending claims 1-26 is patentably distinct from Rosow, and/or Rosow with Joao, with Mohlenbrook, with Comanor, or with DeBruin-Ashton. Applicants therefore urge the Examiner to reconsider the rejection of claims 1-22, and allow those claims with newly presented claims 23-26. If the Examiner believes that a telephone conference with applicants' attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,



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